

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

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JANET FLORENCE,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

No. 15-255V

Special Master Christian J. Moran

Filed: May 28, 2015

Stipulation; influenza (“flu”) vaccine;  
lymphedema.

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Lawrence R. Cohan, Anapol, Schwartz, et al., Philadelphia, PA, for Petitioner;  
Heather L. Pearlman, United States Dep’t of Justice, Washington, DC, for  
Respondent.

### **UNPUBLISHED RULING FINDING** **ENTITLEMENT TO COMPENSATION**<sup>1</sup>

On March 12, 2015, Janet Florence, filed a petition for compensation alleging that the influenza (“flu”) vaccine she received on December 2, 2012, caused her to suffer lymphedema. Ms. Florence seeks compensation pursuant to the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa –10 through 34 (2012).

In her Rule 4 (c) report, respondent stated that Ms. Florence’s claim is compensable under the Act. Respondent stated that a review of the record by the Division of Vaccine Injury Compensation, Department of Health and Human Services, has led to the determination that “petitioner’s left arm lymphedema is

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<sup>1</sup> The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

causally related to the administration of her December 2, 2012 flu vaccination, and that petitioner met the statutory requirements by suffering the condition for more than six months.” Resp’t’s Rep., filed May 19, 2015, at 3.

Special masters may determine whether a petitioner is entitled to compensation based upon the record. A hearing is not required. 42 U.S.C. § 300aa-13; Vaccine Rule 8(d). Based upon a review of the record as a whole, the undersigned finds that petitioner has established that she is entitled to compensation for her injury.

**Accordingly, Ms. Florence is entitled to compensation.** A status conference is set, sua sponte, for **Monday, June 15, 2015 at 11:00 A.M. Eastern Time** to discuss the process for quantifying the amount of damages to which she is entitled.<sup>2</sup>

Any questions may be directed to my law clerk, Mary Holmes, at (202) 357-6360.

**IT IS SO ORDERED.**

s/Christian J. Moran  
Christian J. Moran  
Special Master

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<sup>2</sup> All preexisting deadlines are CANCELLED.